

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(PATENT APPLICATION)

17410 U.S. PTO
10/618044
07/10/03



Docket No. AM100056 D1

Customer No.: 25291

Anticipated Classification of this application:

Class: Subclass:

Prior application:

Examiner: Ebenezer O. Sackey

Group Art Unit: 1626

MS Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FILING UNDER 37 C.F.R. § 1.53(b)

SIR: This is a request for filing a divisional application under 37 C.F.R. § 1.53(b) of pending prior Application Number 09/751,274, filed on December 29, 2000, of Dan M. Berger, Minu D. Dutia, Frenel F. DeMorin, Diane H. Boschelli, Dennis W. Powell, Hwei-Ru Tsou, Allan Wissner, Nan Zhang, Fei Ye and Biqi Wu for TRICYCLIC PROTEIN KINASE INHIBITORS.

1. Enclosed is a complete copy of the prior application as originally filed which includes the following:
 - [X] 299 pages of specification (original pages 113, 151, 194 and 239 are blank)
 - [X] 44 page(s) of claims
 - [X] 1 page(s) of abstract (page 344)
 - [X] _____ sheet(s) of [] formal [] informal drawings
 - [X] 6 page(s) of Combined Declaration and Power of Attorney showing each inventor's signature
2. A newly executed declaration is not required in this divisional application since (i) the prior nonprovisional application from which this application claims benefit under 35 U.S.C. § 120 contained a declaration under 37 C.F.R. § 1.63; (ii) this divisional application is filed by all of the inventors named in the prior application; (iii) the specification in this application contains no matter that would have been new matter in the prior application; and (iv) a copy of the executed declaration filed in the prior application showing the inventor's signatures is submitted in this divisional application.
3. Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior case.

4. [] A substitute set of informal drawings (sheets) are enclosed.

5. [] A Letter To Comply With 37 C.F.R. §§ 1.821(e) & (f) requesting use of a previously filed computer readable copy of the Sequence Listing is enclosed.

6. [] Cancel in this application original Claims of the prior application before calculating the filing fee.

7. [X] A Preliminary Amendment (40 pages) is enclosed.

8. [] An Information Disclosure Statement and duplicate copies of Form PTO-1449 are enclosed.

9. [X] The filing fee is calculated below:

Claims as Filed

FOR	NO. FILED	NO. EXTRA	RATE	FEE
Basic Fee				\$750.00
Total Claims	35 - 20 =	15	x \$18.00	270.00
Independent Claims	3 - 3 =	0	x \$84.00	0
Multiple Dependent Claim			\$280.00	0
			Total Fee	\$1020.00

10. [X] The Commissioner is hereby authorized to charge the filing fee of \$1020.00, or credit any overpayment to, Deposit Account No. 01-1425. A duplicate copy of this sheet is enclosed.

11. [X] The Commissioner is hereby authorized by this paper to charge the following additional fees during pendency of this application to Deposit Account No. 01-1425:

- [X] 37 C.F.R. § 1.16(a), (f) and (g) filing fees
- [X] 37 C.F.R. § 1.16(b), (c) and (d) presentation of extra claims
- [X] 37 C.F.R. § 1.16(e) surcharge for filing the basic filing fee and/or Declaration on a date later than the filing date of the application
- [X] 37 C.F.R. § 1.17 application processing fees

12. [X] With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventors in this application are [X] the same [] not

the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

13. Domestic priority under 35 U.S.C. § 119(e) is claimed of the benefit of U.S. Provisional Application No. 60/240,905, filed December 29, 1999.
14. Priority of application Serial No. _____ filed on _____ in _____(country)____ is claimed under 35 U.S.C. § 119. The certified copy has been filed in prior application Serial No. _____, filed _____.
15. The prior application is assigned of record to WYETH, having its principal place of business at Five Girarda Farms, Madison, New Jersey 07940-0874. The Assignment Division of the U.S. Patent and Trademark Office recorded the assignment on June 11, 2001 on Reel and Frame Nos. 011893/0743.
16. The power of attorney in the prior application is to Elizabeth M. Barnhard, Reg. No. 31,088; Rebecca R. Barrett, Reg. No. 35,152; Egon E. Berg, Reg. No. 21,117; William H. Calnan, Reg. No. 29,520; Milagros A. Cepeda, Reg. No. 33,365; Steven R. Eck, Reg. No. 36,126; Bruce M. Eisen, Reg. No. 22,847; Steven H. Flynn, Reg. No. 29,639; Alan M. Gordon, Reg. No. 30,637; Barbara A. Gyure, Reg. No. 34,614; John W. Hogan, Jr., Reg. No. 32,703; Elizabeth A. Hurley, Reg. No. 41,859; John F. Levis, Reg. No. 34,210; Adley F. Mandel, Reg. No. 26,942; Gale F. Matthews, Reg. No. 32,269; Joseph M. Mazzarese, Reg. No. 32,803; Arnold S. Milowsky, Reg. No. 35,288; Daniel B. Moran, Reg. No. 41,204; Michael R. Nagy, Reg. No. 33,432; Barbara L. Renda, Reg. No. 27,626; M. Andrea Ryan, Reg. No. 28,469; Thomas S. Szatkowski, Reg. No. 28,049; George Tarnowski, Reg. No. 27,472; and Darryl L. Webster, Reg. No. 34,276, all of Wyeth, Five Girarda Farms, Madison, New Jersey 07940.
 - a. The power appears in the original papers in the prior application.
 - b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
17. ADDRESS ALL FUTURE COMMUNICATIONS TO: Anne M. Rosenblum, Esq. at 163 Delaware Avenue - Suite 212, Delmar, NY 12054; Tel. No. (518) 475-0611.
18. I hereby verify that the attached papers are a true copy of prior complete divisional Application Number 09/751,274, as originally filed on December 29, 2000, and that no amendments referred to in the declaration which had been filed to complete the prior application introduced new matter therein.

The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Wyeth

Date: July 10, 2003

By: Anne M. Rosenblum
Anne M. Rosenblum
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FILING BY EXPRESS MAIL UNDER 37 C.F.R. § 1.10

This filing of a divisional application under 37 C.F.R. § 1.53(b) and the accompanying documents identified hereinabove are being deposited with the U.S. Postal Service on July 10, 2003 to be delivered by the "Express Mail Post Office to Addressee" service under Mailing Label Number EU730354540US addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Anne M. Rosenblum
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